

**S006499**

**2004, 2005, 2006**

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return this Form by **JULY 1, 2007**

Primary Owner: **SHMITZ DEVELOPMENT INC**

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING  
**SHMITZ DEVELOPMENT INC**  
154 RONADA AVE  
PIEDMONT, CA 94611

STATEMENT NO.: **S006499**  
CONTACT PHONE NO.: **(415) 654 - 2621**

*NOT RETURNED AT THE TIME FOR  
REASON'S STATED ON YOUR  
RECENT  
SURVEY  
FORM  
ENCLOSED*

Source Name: **CALAVERAS RIVER**  
Tributary To: **SAN JOAQUIN RIVER**  
County: **San Joaquin**  
Diversion Within: **SW¼ of NE¼ Section 32 T02N, R06E, MB&M**

Year of First Use: **1910**  
Parcel Number:

- A. **Water is Used Under:** Riparian claim \_\_\_\_\_ Pre-1914 right ☒ Other (explain): \_\_\_\_\_
- B. **Year of First Use:** (Please provide if missing above) \_\_\_\_\_
- C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.
- Amounts below are in: Gallons \_\_\_\_\_ Million Gallons (MG) \_\_\_\_\_ Acre-feet (AF) \_\_\_\_\_ Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2004													
2005													
2006													

- D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.
- Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_;
- Other (specify) \_\_\_\_\_
- E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.) \_\_\_\_\_
- F. Please answer only those questions below which are applicable to your project.
1. Conservation of water
- a. Are you now employing water conservation efforts? YES \_\_\_\_\_ NO \_\_\_\_\_
- Describe any water conservation efforts you have initiated: \_\_\_\_\_
- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:
- Reduction in Diversions:
- Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)
- Reduction in consumptive use:
- Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)
- I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

*UPDATES  
5/7  
9/22/04*

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES \_\_\_\_ NO \_\_\_\_.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_ NO \_\_\_\_.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_ NO \_\_\_\_.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_ NO \_\_\_\_.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_  
(first name) (middle initial) (last name)

COMPANY NAME: \_\_\_\_\_

If there is insufficient space for your answers, please use the space provided below.

ITEM

CONTINUATION


GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ www.waterrights.ca.gov



**Arnold Schwarzenegger**  
Governor

AIR WATER RESOURCES  
CONTROL BOARD

2007 AUG 13 PM 2:11

DIV OF WATER RIGHTS  
SACRAMENTO

### SACRAMENTO-SAN JOAQUIN DELTA DIVERSION SURVEY

Name:

SCHMITZ DEVELOPMENT INC.

Address:

C/O WILLIAM RUTH, TRUSTEE

154 RONADA AVE

PIEDMONT CA. 94611

Daytime phone number:

(510) 654-2621

Basis of Right:

(SEE ATTACHED)

License # \_\_\_\_\_ Permit # \_\_\_\_\_ Statement # \_\_\_\_\_ Other \_\_\_\_\_

Name of the water body at the point of diversion

CALAVERAS RIVER

TRIBUTARY TO SAN JOAQUIN RIVER

1. Did you receive a notice from Fish and Game?

☒ Yes

☐ No

If yes, did you reduce or curtail your diversion?

☐ Yes

☒ No

NO CHANGE

Water Savings N/A

☐ Acre-feet ☐ Gallons

SEE

How was savings achieved and will you continue this on a temporary or permanent basis?

NOTES ON NEXT PAGE

NO WATER WAS BEING DIVERTED

2. If you have not already implemented water reduction or curtailment measures, do you plan to implement measures to temporarily reduce or curtail your diversion in order to conserve water, and protect instream beneficial uses?

☐ Yes

☐ No

N/A

How would water savings be achieved?

N/A

Estimated Water Savings N/A ☐ Acre-feet ☐ Gallons

3. Is your diversion screened for the protection of aquatic resources?

☐ Yes

☐ No

If so, please describe.

N/A

Screen Area N/A Screen Mesh Size \_\_\_\_\_

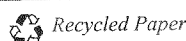
4. Is your diversion equipped with a measuring device? ☐ Yes

☐ No

If so, what type?

N/A

**California Environmental Protection Agency**





5. Normal hours of pump operation (am/pm) - 0 -
6. Capacity of diversion - 0 - ☐ CFS ☐ GPM
7. Maximum Annual Diversion: - 0 - ☐ Acre-feet ☐ Gallons
8. Season of Diversion: - 0 -
9. Purpose of use: ☐ Irrigation ☐ Domestic ☐ Other
10. Crop Grown: NONE Acres LESS THAN 10 AC.

Comments or Recommendations based on your local knowledge or observations (Use this space to also identify any unauthorized diversions you believe the State Water Board should investigate):

THIS PARCEL IS A SMALL GORE SHAPED PARCEL ON CALAVERAS RIVER IN STOCKTON. IT WAS AN UNUSED REMAINDER PARCEL NOT INCORPORATED IN A SUBDIVISION MAP FILED FOR A PROJECT UNDERTAKEN BY SCHMITZ DEVELOPMENT IN THE 1980S. IT SHOULD HAVE BEEN DEEDED TO SAN JOAQUIN COUNTY OR THE STATE BUT WAS NOT. IF ANY WATER IS BEING DIVERTED FROM THIS PARCEL IT IS NOT AUTHORIZED BY THE OWNER & SHOULD BE INVESTIGATED. IF DIVERSIONS ARE TAKING PLACE - THEY SHOULD BE TERMINATED SINCE NO RENTS OR ROYALTIES ARE BEING PAID AND DIVERSIONS THEREFORE ARE ILLEGAL. PLEASE CONTACT ME IF FURTHER ASSISTANCE IS NEEDED. YOUR WATER CONSERVATION EFFORTS ARE APPRECIATED.

Signature: \_\_\_\_\_

William T. Ruth

Date: AUG. 4, 2007

WILLIAM RUTH  
TRUSTEE

Schmitz Development, Inc.

Please use the enclosed return envelope or mail survey to:

Sacramento-San Joaquin Delta Diversion Survey  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812

The State Water Board thanks you for your response and cooperation.